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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/799,712

03/15/2004

Lizhi Ma

47004.000280

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7590  
HUNTON & WILLIAMS  
Suite 1200  
1900 K Street, N.W.  
Washington, DC 20006-1109

05/29/2007

EXAMINER

NGUYEN, KHAI N

ART UNIT

PAPER NUMBER

2609

MAIL DATE

DELIVERY MODE

05/29/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/799,712

Applicant(s)

MA ET AL.

Examiner

Khai N. Nguyen

Art Unit

2609

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on March 15, 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)™
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date May 28, 2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on May 28, 2004 was filed after the mailing date of the instant application on March 15, 2004. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Priority***

1. This application repeats a substantial portion of prior Application No. 10/286,767 (now U.S. Patent No. 6,714,642), filed November 04, 2002, and adds and claims additional disclosure not presented in the prior application.

The new subject matter added in this instant application will not be entitled to the filing date of the earlier patent application. Therefore, the claims 1-27 in this instant application is directed to the new subject matter added in this instant application and will be entitled to the filing date March 15, 2004.

Therefore, this application is examined with the filling date March 15, 2004.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-25, and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Bushey et al. (U.S. patent No. 6,389,400).

Regarding claims 1 and 8, Bushey et al. teach method of routing incoming customer telephony calls to presentations relating to products or services predicted to be of interest to the customer (column 7 lines 49-52), the method comprising:

accessing information relating to one or more products or services (Fig. 1-S1, column 8, lines 20-21);

retrieving, for a plurality of customers, customer specific information, wherein the customer specific information of each customer is associated with that customer or an account of that customer (Fig. 1 – S2, column 8, lines 21-23);

deciding, for each of the one or more products or services and for each customer, and based on one or both of a probability derived in part from the customer specific information and an eligibility derived in part from the customer specific information, whether the customer call may be routed to a presentation relating to the product or service (Fig. 3 – S7, S8 and S9, column 8, lines 48-64);

forming a call routing strategy consistent with said deciding; receiving an incoming customer call placed by a customer; and implementing, for the customer, a call routing strategy associated with that customer; wherein the incoming customer call is routed according to call routing strategy associated with that customer and based in part on available call handling resources (Fig. 6, column 10, lines 24-34).

Regarding claims 2 and 3, Bushey et al. teach the method of wherein said deciding comprises checking the customer specific information for an indication as to whether the customer has previously been exposed to information relating to the product or service (Fig 10, column 11, lines 56-63); and wherein said deciding comprises deciding whether the customer is eligible to purchase the product (Fig. 10, column 11, lines 56-63, and column 3, lines 23-35).

Regarding claim 4, Bushey et al. teach the method of implementing a call routing strategy to a customer service representative (column 2, lines 28-30).

Regarding claims 5 and 6, Bushey et al. teach the method of ranking the products for which said deciding is in the affirmative according to a probable value of each product; and wherein the probable value of each product is calculated according to an estimated likelihood that the customer will purchase the product, the estimated likelihood being at least partially derived from the customer specific information (Fig. 4, column 9, lines 4-12).

Regarding claims 7 and 9, Bushey et al. teach the method of automatically retrieving pre-stored customer specific information (Fig. 3 – S7, column 8, lines 40-43).

Regarding claim 10, Bushey et al. teach the method of wherein routing is initiated by a customer service representative (column 4, lines 17-19).

Regarding claim 11, Bushey et al. teach the method of wherein said determining comprises at least one of determining whether the customer has previously been exposed to information relating to the product and determining whether the customer is eligible to purchase the product (column 3, lines 24-33).

Regarding claims 12 and 20, Bushey et al. teach a system for routing incoming customer telephony calls to presentations relating to products or services predicted to be of interest to the customer, the system comprising:

- a first computer operatively coupled to a telephony network capable of receiving customer calls, wherein customer specific information is associated with each customer or an account of each customer, said first computer being configured to route customer calls (Fig. 6 – 2 and 4, column 9, lines 36-49);

- a first database containing customer specific information (Fig. 6 – 6, column 9, lines 55-56);

- a second database containing information relating to a plurality of products or services (Fig. 6 – 6, column 9, lines 56-62);

- a second computer operatively coupled to said first computer, to said first database, and to said second database, said second computer configured to

decide, for each of the plurality of products or services and based on one or both of a probability derived in part from the customer specific information and an eligibility derived in part from the customer specific information, whether the customer call may be routed to a presentation relating to the product or service and to form a call routing strategy based on the results of the decision and on available call handling resources, said second computer being configured to communicate at least a portion of the routing strategy to the first computer (Fig. 6 – 8, 10, 14 and 16, column 10, lines 24-25).

Regarding claims 13 and 14, Bushey et al. teach a system with a second computer is configured to check the customer specific information for an indication as to whether the customer has previously been exposed to information relating to a product or service (Fig. 6 – 10, 14, and Fig 10, column 11, lines 56-63); a second computer is configured to decide whether the customer is ineligible to purchase the product (Fig. 6 – 10, 14, and Fig. 10, column 11, lines 56-63, and column 3, lines 23-35).

Regarding claims 15, 16, 17, 23, Bushey et al. teach a system comprising a customer service terminal operatively coupled to a second computer and configured to receive and communicate the routing strategy to a customer service representative (Fig. 6 – 8, 10, 14 and 16, column 10, lines 1-5);

and a second computer is configured to rank the products for which the decision is in the affirmative according to a probable value of each product, and wherein the second computer is configured to calculate the probable value of

each product according to an estimated likelihood, at least partially derived from the customer specific information, that the customer will purchase the product (Fig. 6, Fig. 7, column 9, lines 53-60).

Regarding claims 18, 19, 21 and 22, Bushey et al. teach a system wherein a first computer is configured to locate customer specific information in the first database based on caller identification (Fig. 2, Fig. 6 – 2, 4 and 6, column 3, lines 1-5); and the first computer and the second computer are portions of the same computer (Fig. 6 – 4, 6, 10, 14 and 16).

Regarding claim 24, Bushey et al. teach a system for routing incoming customer telephony calls to presentations relating to products or services predicted to be of interest to the customer (column 7 lines 49-52), the system comprising:

means for accessing information relating to one or more products or services (Fig.6 – Database 6);

means for retrieving, for a plurality of customers, customer specific information, wherein the customer specific information of each customer is associated with that customer or an account of that customer (Fig. 6 – Customer Data Processor 4, Database 6, column 9, lines 55-59);

means for deciding, for each of the one or more products or services, for each customer, and based on one or both of a probability derived in part from the customer specific information and an eligibility derived in part from the customer specific information, whether the customer call may be routed to a presentation



relating to the product or service (Fig. 6 – Database 6, Match Processor 14, Routing Processor 16, column 10, lines 30-35);

means for forming a call routing strategy consistent with said deciding (Fig. 6 – Routing Processor 16);

means for receiving an incoming customer call placed by a customer (Fig. 6 – Customer Interface 2, column 9, lines 50-51); and

means for implementing, for the customer, a call routing strategy (Fig. 6 – Customer Processor 4, Database 6, Match Processor 14, Routing Processor 16, column 10, lines 24-30);

wherein the customer call is routed according to the call routing strategy obtained by said forming and based in part on available call handling resources (Fig. 6 – Agent Interface 8, Agent Data Processor 10, Match Processor 14, Routing Processor 16, column 10, lines 19-24).

Regarding claim 25, Bushey et al. teach a method of routing incoming customer telephony calls to presentations relating to products or services predicted to be of interest to the customer (column 7 lines 49-52), the method comprising:

retrieving, for a plurality of customers, customer specific information, wherein the customer specific information for each customer comprises past purchase data, past offer data, and account data is associated with the customer (Fig. 6, column 9, lines 55-59);

accessing information relating to one or more products or services;  
computing, for each product or service, an expected value as a product of a probability and a monetary amount, the monetary amount being based at least in part on a net present value of a sale of the product or service to a seller of the product or service (Fig. 6, Fig. 8, column 11, lines 20-25);

determining, for each product or service, an eligibility parameter, the eligibility parameter being based at least partially on the information relating to the product or service, the eligibility parameter being based at least partially on at least one of the past offer data and the account data (Fig. 10, column 11, lines 55-67);

forming a routing strategy consistent with said computing and said determining; receiving an incoming customer call placed by a customer (Fig. 6, column 10, lines 24-30); and

routing the customer call according to the call routing strategy obtained by said selecting and according to available call handling resources (Fig. 6, column 10, lines 19-24).

Regarding claim 27, Bushey et al. teach a method of forming an offer presentation strategy for use with a customer initiated contact, the offer presentation strategy being constructed to contain offers predicted to be of interest to the individual customer who initiates contact (column 3, lines 42-45, column 7 lines 49-52), the method comprising:

accessing customer information of each of a plurality of customers, the customer information comprising at least one of account specific information of each of the plurality of customers and behavior information of each of the plurality of customers (column 3, lines 6-23);

accessing information regarding a plurality of products or services (column 3, lines 46-54);

forming a list of offers, the list of offers being specific to a customer, the list of offers being ordered based in part on information derived from the information of each of the plurality of customers (column 3, lines 56-67); and

presenting an offer to a customer in accordance with the list of offers specific to that customer after receiving a customer initiated contact from that customer; wherein, subsequent to the customer initiated contact, an offer is presented to the customer according to the list of offers specific to that customer (column 4, lines 3-19).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bushey et al. (U.S. Patent 6,389,400) as applied to claim 1 above, and further in view of Nabe et al. (U.S. Pub. 2002/0194117 A1).

Regarding claim 26, Bushey et al. disclose everything claimed as applied above (see claims 1, 8 and 25). However, Bushey et al. fail to specifically disclose their invention is readily to be implemented as the instructions embodied in a computer readable medium.

In the same field of endeavor, Nabe et al. disclose a method and system for managing customer relationships comprises the steps of providing a database of customer information and customer spending data, predicting future customer behavior based on customer information and customer spending data (paragraph [0003], paragraph [0004]). The advantage of Nabe's invention is a computer readable medium with instructions in combination with hardware implements the method or process steps described, and this computer program is stored on storage media (paragraphs [0005], [0006], [0007] and [0008]).

Therefore, it would have been obvious to person of ordinary skill in the art at the time the invention was made to provide Bushey et al. with the instructions embodied in a computer readable medium to cause a computer to route incoming customer telephony calls to presentations relating to products or services predicted to be interest to the customer (with access information related to products or services, customer information, matching customers with products or services based on customer information and call routing strategy).

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nascenzi et al. (U.S. Pub. 2002/0099609) teach a method and system for using relevant customers preferences in real time to customize a commercial transaction.

Shaw et al. (U.S. Pub. 2003/0065558) teach a method and system for using customers profile database to drive one-to-one marketing, upselling, cross-selling and sharing these profiles across multiple vendor.

Sakuma (U.S. Pub. 2002/0128910) teaches a method to provide a technique to extract customers who are expected or likely to purchase goods by a method expedient to both sellers and customers.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khai N. Nguyen whose telephone number is (571) 270-3141. The examiner can normally be reached on Monday - Thursday 6:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Eisen can be reached on (571) 272-7687. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2609

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Alexander Eisen  
SPE  
Art Unit 2609

KNN  
5/23/2004